

Serial No. 10/652,019
Preliminary Amendment Dated January 11, 2005

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A *Brassica juncea* plant tolerant to a level of herbicide that prevents or inhibits the growth of a wild-type *Brassica juncea* plant, wherein the plant contains an AHAS1 and an AHAS3 mutation.
2. (Original) The plant of Claim 1 wherein the herbicide is an imidazolinone herbicide.
3. (Original) The plant of Claim 1 wherein the herbicide is a sulfonyl urea herbicide.
4. (Original) The plant of Claim 1 wherein the herbicide tolerance is developed by non-transgenic means.
5. (Original) The plant of Claim 4 wherein the non-transgenic means is mutagenesis.
6. (Original) Pollen of the plant of Claim 1.
7. (Original) An ovule of the plant of Claim 1.
8. (Original) A tissue culture of the plant of Claim 1.

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9. (Original) A progeny plant derived from the plant of Claim 1.
10. (Original) A progeny plant derived from the plant of Claim 1, wherein the progeny plant retains substantially all of the herbicide tolerance of the plant of Claim 1.
11. (Original) A progeny plant derived from the plant of Claim 1, wherein the progeny plant contains one or more transgenes.
12. (Currently Amended) A *Brassica juncea* seed that, when planted, will produce a *Brassica juncea* plant tolerant to a level of herbicide that prevents or inhibits the growth of a wild-type *Brassica juncea* plant, wherein the seed contains an AHAS1 and an AHAS3 mutation.
13. (Original) The seed of claim 12 wherein the herbicide is an imidazolinone herbicide.
14. (Original) The seed of Claim 12 wherein the herbicide is a sulfonyl urea herbicide.
15. (Original) The seed of Claim 12 wherein the herbicide tolerance is developed by non-transgenic means.
16. (Currently Amended) A *Brassica juncea* plant material tolerant to a level of herbicide which prevents or inhibits the growth of wild-type *Brassica juncea* plant material, wherein the plant material contains an AHAS1 and an AHAS3 mutation.

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17. (Original) The plant material of Claim 16 wherein the herbicide is an imidazolinone herbicide.
 18. (Original) The plant material of Claim 16 wherein the herbicide is a sulfonyl urea herbicide.
 19. (Original) The plant material of Claim 16 wherein the herbicide tolerance is developed by non-transgenic means.
 20. (Original) The plant material of Claim 16 wherein the plant material is a full grown plant or its parts.
 21. (Original) The plant material of Claim 16 wherein the plant material is an immature plant or its parts.
 22. (Original) The plant material of Claim 16 wherein the plant material is a seed or its parts.
 23. (Original) The plant material of Claim 22 wherein the seed or its parts are mature.
 24. (Original) The plant material of Claim 22 wherein the seed or its parts are immature.
- 25-70. (Cancelled)

71. (Original) A method for controlling weeds growing with *Brassica juncea* which comprises: growing the plants of claim 2 and using an imidazolinone herbicide to control weeds.

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72. (Original) A method for controlling weeds growing with *Brassica juncea* which comprises: growing the plants of claim 3, and using a sulfonyl urea herbicide to control weeds.

73-79. (Cancelled)